

## **2005 DRAFTING REQUEST**

### **Bill**

Received: **10/14/2004**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **David Lovell**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to: **David.Lovell@legis.state.wi.us**  
**Joyce.Kiel@legis.state.wi.us**

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Representations about wild rice products

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### **Instructions:**

Like 2003 Senate Bille 191 with amendment 03a2058/1

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 10/15/2004	wjackson 11/11/2004					State
/1			rschluet 11/11/2004		lnorthro 11/11/2004	lnorthro 02/23/2005	

FE Sent For:

<END>

→ At Intro.

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***LRB-0530***

11/11/2004 03:43:11 PM

Page 2

FE Sent For:

**<END>**





## 2003 SENATE BILL 191

(AB 400)

June 5, 2003 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Agriculture, Financial Institutions and Insurance.

- 1     **AN ACT to repeal and recreate** 97.57 of the statutes; **relating to:**  
2     representations made regarding wild rice sold or offered for sale in this state,  
3     granting rule-making authority, and providing a penalty.

---

### ***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on state-tribal relations. It is based on 2001 Assembly-Bill 773, which was introduced by the council at the request of the 2000-02 committee. It repeals and recreates the existing statute relating to the labeling of wild rice offered for sale in this state.

Under current law, a wholesaler or supplier is required to label cultivated wild rice as being "paddy-grown" unless the wild rice is blended with wild-grown wild rice. In addition, a wholesaler or supplier is prohibited from labeling wild rice as "100% natural wild rice" unless it is 100% wild-grown wild rice.

This bill requires that the label of any wild rice that is sold or offered for sale in this state, at retail or wholesale, and any sign, advertisement, or other representation

**SENATE BILL 191**

regarding such wild rice, inform consumers if the wild rice is cultivated, if it is a blend of wild-grown and cultivated wild rice, and if it is machine harvested. If the wild rice is a blend, the label must indicate the proportions making up the blend. If the wild rice is in a packaged food product that contains at least 40% other food products and that is labeled or marketed as a wild rice product, the label must indicate the proportion of the product that is wild rice. Wild rice that is identified as cultivated or blended and packaged wild rice products are not required to be identified as machine harvested. The bill also requires that labels and representations regarding wild rice clearly indicate the state or province in which the wild rice was grown.

The bill does not make any requirements regarding the labeling of or representations regarding wild rice that is 100% wild-grown or that is harvested by traditional methods except to require that the state or province of origin be identified.

The bill requires the department of agriculture, trade and consumer protection to promulgate rules for implementation of the requirements created by the bill.

The bill provides that a person who violates the labeling and advertising requirements that the bill creates shall forfeit not less than \$50 nor more than \$500 for the first violation and not less than \$200 nor more than \$1,000 for subsequent violations.

**SECTION 1.** 97.57 of the statutes is repealed and recreated to read:

**97.57 Advertising and labeling of wild rice.** (1) **DEFINITIONS.** In this section:

(a) “Cultivated” means grown in a field or paddy that is flooded during the growing season and drained at the time of harvesting.

(b) “Machine-harvested” means harvested by any method other than traditional methods.

(c) “Packaged wild rice product” means a packaged food product that contains wild rice and at least 40% other food products and that is labeled or marketed as a wild rice product or blend.

(d) “Traditional methods” means using only a hand-propelled boat and 2 hand-held wooden sticks or rods.

(e) “Wild-grown” means grown in a lake, river, slough, or other water body that is not drained at the time of harvesting.

(2) **CULTIVATED WILD RICE.** Except as provided in sub. (6) (a), a person who sells or offers for sale cultivated wild rice, at retail or wholesale, in this state shall do all of the following:

## SENATE BILL 191

1 (a) Clearly and conspicuously label the wild rice as being cultivated.

2 (b) Clearly and conspicuously indicate in any sign, advertisement, or other  
3 representation regarding the wild rice that it is cultivated.

4 (3) BLENDED WILD RICE. Except as provided in sub. (6) (a), a person who sells  
5 or offers for sale a blend of wild-grown and cultivated wild rice, at retail or wholesale,  
6 in this state shall do all of the following:

7 (a) Clearly and conspicuously label the wild rice as being a blend of wild-grown  
8 and cultivated wild rice and indicate the percentages of the blend that are  
9 wild-grown and cultivated.

10 (b) Clearly and conspicuously indicate in any sign, advertisement, or other  
11 representation regarding the wild rice that it is a blend of wild-grown and cultivated  
12 wild rice.

13 ~~(3m) PACKAGED WILD RICE PRODUCTS. Except as provided in sub. (6) (a), a person~~  
14 ~~who sells or offers for sale a packaged wild rice product, at retail or wholesale, in this~~  
15 ~~state, shall clearly and conspicuously indicate on the label the percentage of the~~  
16 ~~packaged wild rice product that is wild rice.~~

17 (4) MACHINE-HARVESTED WILD RICE. Except as provided in sub. (6), a person who  
18 sells or offers for sale machine-harvested wild rice, at retail or wholesale, in this  
19 state shall do all of the following:

20 (a) Clearly and conspicuously label the wild rice as being machine-harvested.

21 (b) Clearly and conspicuously indicate in any sign, advertisement, or other  
22 representation regarding the wild rice that it is machine-harvested.

23 (5) PLACE OF ORIGIN. Except as provided in sub. (6) (a), a person who sells or  
24 offers for sale wild rice, at retail or wholesale, in this state shall clearly and  
25 conspicuously indicate on the label and any sign, advertisement, or other

## SENATE BILL 191

packaged wild rice  
products or to

1 representation regarding the wild rice the state or province in which the wild rice  
2 was grown.

3 (6) EXCEPTIONS. (a) Subsections (2) to (5) do not apply to wild rice that is cooked  
4 and ready to eat.

5 (b) Subsection (4) does not apply to wild rice that is labeled in accordance with  
6 sub. (2), <sup>or</sup> (3), ~~or (4)~~.

7 (7) RULES. The department shall promulgate rules establishing minimum  
8 standards for the labels required under subs. (2) (a), (3) (a), ~~(4)~~ (4) (a), and (5) and  
9 for representations made under subs. (2) (b), (3) (b), (4) (b), or (5).

10 (8) PENALTY. A person who violates this section shall forfeit not less than \$50  
11 nor more than \$500 for the first violation and not less than \$200 nor more than  
12 \$1,000 for subsequent violations.

13 add constants.

(END)



**ASSEMBLY AMENDMENT ,  
TO 2003 ASSEMBLY BILL 400**

1           At the locations indicated, amend the bill as follows:

2           ✓ **1.** Page 3, line 13: delete lines 13 to 16.

3           ✓ **2.** Page 4, line 3: after “apply to” insert “packaged wild rice products or to”.

4           **3.** Page 4, line 6: delete “(2), (3), or (3m)” and substitute “(2) or (3)”.

5           **4.** Page 4, line 8: delete “(3m),”.

6           **5.** Page 4, line 12: after that line insert:

7           **“SECTION 2g. Nonstatutory provisions.**

8           (1) PROPOSED RULES. The department of agriculture, trade and consumer  
9           protection shall submit in proposed form the rules required under section 97.57 (7)  
10          of the statutes, as created by this act, to the legislative council staff under section  
11          227.15 (1) of the statutes no later than the first day of the 7th month beginning after  
12          the effective date of this subsection.

1           **SECTION 2r. Effective dates.** This act takes effect on the day after publication,  
2       except as follows:

(1) The treatment of section 97.57 of the statutes takes effect on the first day of the 19th month beginning after publication.”.

**5 (END)**

2003 SENATE BILL 191

June 5, 2003 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Agriculture, Financial Institutions and Insurance.

Regen

1 AN ACT to repeal and recreate 97.57 of the statutes; relating to:  
2 representations made regarding wild rice sold or offered for sale in this state,  
3 granting rule-making authority, and providing a penalty.

*Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on state-tribal relations. It is based on 2001 Assembly Bill 773, which was introduced by the council at the request of the 2000-02 committee. It repeals and recreates the existing statute relating to the labeling of wild rice offered for sale in this state.

Under current law, a wholesaler or supplier is required to label cultivated wild rice as being "paddy-grown" unless the wild rice is blended with wild-grown wild rice. In addition, a wholesaler or supplier is prohibited from labeling wild rice as "100% natural wild rice" unless it is 100% wild-grown wild rice.

This bill requires that the label of any wild rice that is sold or offered for sale in this state, at retail or wholesale, and any sign, advertisement, or other representation

**SENATE BILL 191**

regarding such wild rice, inform consumers if the wild rice is cultivated, if it is a blend of wild-grown and cultivated wild rice, and if it is machine harvested. If the wild rice is a blend, the label must indicate the proportions making up the blend. If the wild rice is in a packaged food product that contains at least 40% other food products and that is labeled or marketed as a wild rice product, the label must indicate the proportion of the product that is wild rice. Wild rice that is identified as cultivated or blended and packaged wild rice products are not required to be identified as machine harvested. The bill also requires that labels and representations regarding wild rice clearly indicate the state or province in which the wild rice was grown.

The bill does not make any requirements regarding the labeling of or representations regarding wild rice that is 100% wild-grown or that is harvested by traditional methods except to require that the state or province of origin be identified.

The bill requires the department of agriculture, trade and consumer protection to promulgate rules for implementation of the requirements created by the bill.

The bill provides that a person who violates the labeling and advertising requirements that the bill creates shall forfeit not less than \$50 nor more than \$500 for the first violation and not less than \$200 nor more than \$1,000 for subsequent violations.

**SECTION 1.** 97.57 of the statutes is repealed and recreated to read:

**97.57 Advertising and labeling of wild rice.** (1) **DEFINITIONS.** In this section:

(a) “Cultivated” means grown in a field or paddy that is flooded during the growing season and drained at the time of harvesting.

(b) “Machine-harvested” means harvested by any method other than traditional methods.

(c) “Packaged wild rice product” means a packaged food product that contains wild rice and at least 40% <sup>SP</sup> other food products and that is labeled or marketed as a wild rice product or blend.

(d) “Traditional methods” means using only a hand-propelled boat and 2 hand-held wooden sticks or rods.

(e) “Wild-grown” means grown in a lake, river, slough, or other water body that is not drained at the time of harvesting.

(2) **CULTIVATED WILD RICE.** Except as provided in sub. (6) (a), a person who sells or offers for sale cultivated wild rice, at retail or wholesale, in this state shall do all of the following:

## SENATE BILL 191

1 (a) Clearly and conspicuously label the wild rice as being cultivated.

2 (b) Clearly and conspicuously indicate in any sign, advertisement, or other  
3 representation regarding the wild rice that it is cultivated.

4 (3) BLENDED WILD RICE. Except as provided in sub. (6) (a), a person who sells  
5 or offers for sale a blend of wild-grown and cultivated wild rice, at retail or wholesale,  
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7 (a) Clearly and conspicuously label the wild rice as being a blend of wild-grown  
8 and cultivated wild rice and indicate the percentages of the blend that are  
9 wild-grown and cultivated.

10 (b) Clearly and conspicuously indicate in any sign, advertisement, or other  
11 representation regarding the wild rice that it is a blend of wild-grown and cultivated  
12 wild rice.

13 (3m) PACKAGED WILD RICE PRODUCTS. Except as provided in sub. (6) (a), a person  
14 who sells or offers for sale a packaged wild rice product, at retail or wholesale, in this  
15 state, shall clearly and conspicuously indicate on the label the percentage of the  
16 packaged wild rice product that is wild rice.

17 (4) MACHINE-HARVESTED WILD RICE. Except as provided in sub. (6) <sup>STET WLD</sup> a person who  
18 sells or offers for sale machine-harvested wild rice, at retail or wholesale, in this  
19 state shall do all of the following:

20 (a) Clearly and conspicuously label the wild rice as being machine-harvested.

21 (b) Clearly and conspicuously indicate in any sign, advertisement, or other  
22 representation regarding the wild rice that it is machine-harvested.

23 (5) PLACE OF ORIGIN. Except as provided in sub. (6) (a), a person who sells or  
24 offers for sale wild rice, at retail or wholesale, in this state shall clearly and  
25 conspicuously indicate on the label and <sup>on</sup> any sign, advertisement, or other

## SENATE BILL 191

## SECTION 1

1 representation regarding the wild rice the state or province in which the wild rice  
2 was grown.

3 (6) EXCEPTIONS. (a) Subsections (2) to (5) do not apply *packaged wild rice product or* to wild rice that is cooked  
4 and ready to eat.

5 (b) Subsection (4) does not apply to wild rice that is labeled in accordance with  
6 sub. (2) <sup>or</sup> (3) <sup>or</sup> (3m).

7 (7) RULES. The department shall promulgate rules establishing minimum  
8 standards for the labels required under subs. (2) (a), (3) (a), (3m) (4) (a), and (5) and  
9 for representations made under subs. (2) (b), (3) (b), (4) (b), <sup>and</sup> or (5).

10 (8) PENALTY. A person who violates this section shall forfeit not less than \$50  
11 nor more than \$500 for the first violation and not less than \$200 nor more than  
12 \$1,000 for subsequent violations.

13 (END)

*Insert from 03-a2058/1 ✓*

**2005-2006 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0530/lins  
RCT.....

**Analysis insert**

This bill changes the law related to the labeling of wild rice sold in this state. Current law requires a wholesaler or supplier to label cultivated wild rice as "paddy-grown" unless the wild rice is blended with other rice. Current law also prohibits a wholesaler or supplier from labeling wild rice as "100% wild rice" if it contains any cultivated wild rice. *natural*

Under this bill, a person who sells cultivated wild rice is required to label the wild rice as being cultivated. Any sign, advertisement, or other representation concerning the wild rice must indicate that it is cultivated wild rice. Under this bill, a person who sells a blend of wild-grown and cultivated wild rice is required to label the wild rice as being a blend and indicate the percentages that are wild-grown and cultivated. Any sign, advertisement, or other representation concerning the wild rice must indicate that it is a blend of wild-grown and cultivated wild rice.

Also, under this bill, a person who sells machine-harvested wild rice must indicate on the label and in any other representation concerning the wild rice that it is machine harvested, unless the wild rice is labeled as cultivated or blended. Finally, the bill requires wild rice to be labeled with the state or province in which the wild rice was grown. The requirements in the bill apply to the wholesale and retail sale of wild rice. The requirements in the bill do not apply to packaged food products that contain wild rice if the products contain at least 40% other food products.

This bill imposes forfeitures (civil monetary penalties) for violations of its requirements. The maximum forfeiture is \$500 for a first violation and \$1,000 for a subsequent violation.

**ASSEMBLY AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 400**

January 30, 2004 - Offered by Representative MUSSER.

At the locations indicated, amend the bill as follows:

1. Page 3, line 13: delete lines 13 to 16.
2. Page 4, line 3: after "apply to" insert "packaged wild rice products or to".
3. Page 4, line 6: delete "(2), (3), or (3m)" and substitute "(2) or (3)".
4. Page 4, line 8: delete "(3m),".
5. Page 4, line 12: after that line insert:

**SECTION 2g. Nonstatutory provisions.**

(1) PROPOSED RULES. The department of agriculture, trade and consumer protection shall submit in proposed form the rules required under section 97.57 (7) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this subsection

*unless the secretary of administration requires the department to prepare an economic impact report under section 227.137 of the statutes for the proposed rules*

Insert  
to p. 4  
Please  
Thank  
Section  
#5



(END)

**Northrop, Lori**

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**From:** Colbert, Kathie  
**Sent:** Wednesday, February 23, 2005 9:12 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-0530/1 Topic: Representations about wild rice products

It has been requested by <Colbert, Kathie> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0530/1 Topic: Representations about wild rice products